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OCT 26 2007

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Luis Eduardo Gutierrez-Sheris	:	
Application No. 09/829,614	:	DECISION ON PETITION
Filed: 04/10/2001	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 25153-004	:	

This is a decision on the "PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED BENEFIT CLAIM UNDER 35 U.S.C. 120" filed on 17 September, 2007, which is treated as a petition under 37 CFR § 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

*The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.*

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3693 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

*Christina T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
09/829,614	04/10/2001	3693	445	25153-004	30	3

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CONFIRMATION NO. 7999

CORRECTED FILING RECEIPT



\*OC000000026472374\*

**Applicant(s)**

Luis Eduardo Gutierrez-Sheris, Ridgewood, NJ;

**Assignment For Published Patent Application**

UniTeller Financial Services, Inc.

**Power of Attorney:** None**Domestic Priority data as claimed by applicant**

This application is a CIP of 09/635,330 08/09/2000  
which claims benefit of 60/174,646 01/05/2000

**Foreign Applications****If Required, Foreign Filing License Granted:** 07/11/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US09/829,614**

**Projected Publication Date:** Not Applicable**Non-Publication Request:** No**Early Publication Request:** No**Title**

Money-transfer techniques

**Preliminary Class**

705